

1	VOLUME I	1	APPEARANCES	3
2	IN THE UNITED STATES DISTRICT COURT	2		
3	FOR THE DISTRICT OF MARYLAND - NORTHERN DIVISION	3		
4	-----x	4	ON BEHALF OF THE LIMITATION PLAINTIFFS	
5	IN THE MATTER OF THE COMPLAINT OF x	5	ETERNITY SHIPPING, LTD. AND EUROCARRIERS, S.A.:	
6	ETERNITY SHIPPING, LTD. AND x	6	M. HAMILTON WHITMAN, JR., ESQUIRE	
7	EUROCARRIERS, S.A., FOR x	7	ERIC M. VEIT, ESQUIRE	
8	EXONERATION FROM OR LIMITATION x Case No. L01-250	8	OBER KALER, P.C.	
9	OF LIABILITY x	9	120 East Baltimore Street	
10	-----x	10	Baltimore, Maryland 21202	
11	TATE & LYLE NORTH AMERICAN x	11	(410) 347-7339	
12	SUGARS, INC., x	12		
13	Claimant & Third-Party Plaintiff x	13		
14	v. x	14	ON BEHALF OF CLAIMANT AND THIRD-PARTY PLAINTIFF:	
15	AMERICAN BUREAU OF SHIPPING, x	15	JEFFREY J. ASPERGER, ESQUIRE	
16	Third-Party Defendant x	16	ASPERGER CARAHER, LLC	
17	-----x	17	Three Illinois Center	
18	DEPOSITION OF CARL A. CEDERSTAV	18	303 East Wacker Drive, Suite 1000	
19	Baltimore, Maryland - Wednesday, August 11, 2004	19	Chicago, Illinois 60601	
20	9:40 A.M.	20	(312) 856-9901	
21	Job No. 1-39306, Pages 1 - 207	21		
22	Reported by: Sharon D. Livingston, CSR-RPR	22		
1	Deposition of Carl A. Cederstav, Volume 1,	2	APPEARANCES CONTINUED	4
2	held at the offices of:	3		
4	OBER KALER, P.C.	4	ON BEHALF OF THE THIRD-PARTY DEFENDANT:	
5	120 East Baltimore Street	5	ROBERT G. CLYNE, ESQUIRE	
6	Baltimore, Maryland 21202	6	HILL, RIVKINS & HAYDEN, LLP	
7	(410) 347-7339	7	45 Broadway, Suite 1500	
8		8	New York, New York 10006-3739	
9	Pursuant to Notice, before Sharon D.	9	(212) 669-0600	
10	Livingston, Registered Professional Reporter and	10		
11	Notary Public of the State of Maryland.	11		
12		12	Also Present: Kevin Hislop	
13		13		
14		14		
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<p>1 Q And I presume that if you had seen this 2 event that you just described, you would have made 3 note of it, correct? 4 A Uh-huh. 5 Q So may I presume that in looking at the 6 surveillance videotape, you never saw the jib brought 7 up to the point where the jib flexed and put pressure 8 on the wire? 9 A No. We talk about flexing on a boom like 10 that. Do you think that you, on a jib links like 11 that, would pick up a two-inch flexing at the top? 12 Q I don't know, sir. I'm not the expert. 13 You are. 14 A That's not possible. Well, I'm not an 15 expert on videotapes, right? But when I talk about 16 bending a boom of that dimension and have it flex 17 back -- because it flexes, right? -- two inch is a 18 tremendous force on the wire when it comes back. 19 Q What evidence do you have that that 20 occurred? 21 A I wasn't there. I haven't seen it. You 22 have heard my explanation now why I have arrived at</p>	<p>197 1 wire -- and would you pull your report out with your 2 photographs that show the examination of the wire at 3 Chesapeake? 4 A There are no photographs taken by me. 5 Q Who took the photographs? 6 A Heiner Popp has taken photographs. They 7 are in his report. So are the measurements. 8 Q And you're depicted in at least one of 9 those photographs, correct, sir? 10 A I've compared those photographs with what I 11 assume in reality and based my opinion on the last. 12 MR. WHITMAN: I don't think that was the 13 question. Listen to the question. 14 MR. ASPERGER: If you don't understand 15 something, just ask. Let's mark this. 16 (Cederstav Deposition Exhibit 3 was marked 17 for identification and retained by counsel.) 18 BY MR. ASPERGER: 19 Q I'm showing you Exhibit 3. This is Heiner 20 Popp's report to which you were referring, correct, 21 sir? 22 A Yeah. He has two reports though. I don't</p>
<p>1 this conclusion. For me this is the only conclusion. 2 Q Okay. I understand. Thank you. If this 3 was common practice on the Leon I to hoist the basket 4 for this purpose, you would agree, would you not, 5 that it's likely that Captain Escatron observed that 6 on some occasion? 7 A Yeah, I would think so. I mean he were the 8 chief officer. Captains do not show very much. 9 Q Do you have evidence that the ropes removed 10 at Dubai, the luffing wires removed at Dubai, were 11 replaced on the same exact cranes after the retrofit 12 in China? 13 A No. I would be very, very astonished if 14 they were not. 15 Q Is there a set length for these wires? 16 A 135 meters, if I recall right, from the 17 certificate. 18 Q Did you measure this one to see how long it 19 was? 20 A You can't measure this one anymore. I mean 21 it's strained, it's broken. 22 Q Let me ask you in your examination of this</p>	<p>198 1 know if you've picked the right one. This is the one 2 which he did of the wire. 3 Q While you were present? 4 A I was not present. 5 Q You were not present for this? 6 A No. 7 Q Where is the one that he did of the wire 8 when you examined it at Chesapeake? 9 A You have misunderstood this. They had a 10 survey of that wire with Captain Popp. I was not 11 present. 12 Q Let me start again. What was done at 13 Chesapeake when you were present and examined the 14 wire? First of all, who all was present? 15 A Eric Veit and myself. 16 Q And Mr. Dolan? 17 A No. Mr. Carson? 18 MR. VEIT: Can I clarify? 19 MR. ASPERGER: Thank you. That would be 20 helpful. 21 MR. VEIT: The Captain Popp report you're 22 referring to, as you can see on the date, is dated</p>

<p>1 October 2003. Captain Popp and myself were there to 2 essentially monitor the survey done by the ABS folks, 3 so to speak, at their request at that time, October 4 2003. Mr. Cederstav was not present that day at all. 5 MR. ASPERGER: Was there a Rule 34 request 6 to perform that? 7 MR. VEIT: As to the manner of the request, 8 I don't recall exactly. We can go back and check 9 that. 10 MR. ASPERGER: And no notice was given to 11 Tate & Lyle; is that correct, sir? 12 MR. WHITMAN: As far as I know, that's 13 correct. 14 BY MR. ASPERGER: 15 Q So there have been examinations of this 16 wire where it's been manipulated or rolled out on 17 several occasions since the incident, correct, sir, 18 that you're aware of? 19 A No. Because at that survey when Heiner 20 Popp was there, part of it was rolled out, and the 21 damaged area was examined. When I was up -- and I 22 think everybody understands when they see the wire --</p>	<p>201 1 THE REPORTER: We're suspending? 2 MR. WHITMAN: Right. 3 MR. VEIT: Can I just add quickly on the 4 record for further clarification? Because I don't 5 think you asked this. Mr. Cederstav saw the cable 6 and the wire the one and only time. This was about a 7 month or two ago. 8 THE WITNESS: That's right. 9 MR. VEIT: There was a gentleman there at 10 Chesapeake who you'll meet whenever we go there named 11 Cliff Dean, who was present on both instances, and he 12 very well likely is somebody to be deposed as to the 13 conditions of storage so to speak. 14 MR. ASPERGER: Well, I can tell you right 15 now I'd like to know who examined the wire and on 16 what occasions and what was done. 17 MR. WHITMAN: We're suspending. 18 (Whereupon, the deposition of Carl A. 19 Cederstav was suspended at 3:45 P.M.) 20 21 22</p>
<p>202 1 we cut up the plastic which it's covered with, and 2 it's inside a dry room, and I examined the breakage 3 area, which could be done on pallets. So in 4 connection with that first survey, the length of the 5 wire from the socket attached to the cabin was 6 measured in feet. That is now located on top of the 7 two pallets up there. 8 Q Thank you. I want to know who was present, 9 and were any photographs taken? 10 A I did not take any photographs. 11 Q Did anyone take any photographs? 12 A No. 13 Q Did you document what you did? 14 A Not more than I have written in my report 15 saying that I've had the opportunity to see it. 16 Q So you have not stated anywhere in writing 17 specifically what you did with the wire when you 18 examined it? 19 A No. That's right. 20 MR. ASPERGER: We have to leave. Thank you 21 very much, sir. 22 THE WITNESS: Have a good flight.</p>	<p>204 1 (Whereupon, this Acknowledgement of 2 Deponent is included in the event that, at the 3 conclusion of the deposition, the witness elects to 4 read and sign the transcript.) 5 ACKNOWLEDGEMENT OF DEPONENT 6 I, Carl A. Cederstav, do hereby acknowledge 7 that I have read and examined the foregoing 8 testimony, and the same is a true, correct and 9 complete transcription of the testimony given by me, 10 and any corrections appear on the attached Errata 11 Sheet signed by me. 12 13 14 _____ 15 _____ 16 17 18 19 20 21 22</p>

<p>1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC 2 I, Sharon D. Livingston, Registered 3 Professional Reporter, the officer before whom the 4 foregoing proceedings were taken, do hereby certify 5 that the foregoing transcript is a true and correct 6 record of the proceedings; that said proceedings were 7 taken by me stenographically and thereafter reduced 8 to typewriting under my supervision; and that I am 9 neither counsel for, related to, nor employed by any 10 of the parties to this case and have no interest, 11 financial or otherwise, in its outcome. 12 IN WITNESS WHEREOF, I have hereunto set my 13 hand and affixed by notarial seal this 18th day of 14 August 2004. 15 My commission expires: 16 July 1, 2005 17 18 _____ 19 NOTARY PUBLIC IN AND FOR THE 20 STATE OF MARYLAND 21 22</p>	<p>205 1 ERRATA SHEET CONTINUED 2 IN RE: Tate & Lyle v. American Bureau of Shipping 3 RETURN BY: _____ 4 PAGE LINE CORRECTION AND REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 (DATE) (SIGNATURE)</p>
<p>1 ERRATA SHEET 2 IN RE: Tate & Lyle v. American Bureau of Shipping 3 RETURN BY: _____ 4 PAGE LINE CORRECTION AND REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 (DATE) (SIGNATURE)</p>	206

1 (Pages 208 to 211)

1	VOLUME 2	208	1	APPEARANCES	210
2	IN THE UNITED STATES DISTRICT COURT		2	ON BEHALF OF TATE & LYLE:	
3	FOR THE DISTRICT OF MARYLAND		3	JEFFREY J. ASPERGER, ESQUIRE	
4	(Northern Division)		4	ASPERGER CARAHER, LLC	
5	IN THE MATTER OF *		5	Three Illinois Center	
6	THE COMPLAINT OF *		6	303 East Wacker Drive, Suite 1000	
7	ETERNITY SHIPPING, LTD. AND * Civil Action No.		7	Chicago, Illinois 60601	
8	EUROCARRIERS, S.A. * L01CV0250		8	(312) 856-9901	
9	FOR EXONERATION FROM OR *		9		
10	LIMITATION OF LIABILITY *		10	ON BEHALF OF THE LIMITATION PLAINTIFFS:	
11	-----		11	M. HAMILTON WHITMAN, JR., ESQUIRE	
12	Continued Deposition of CARL A. CEDERSTAV		12	ERIC M. VEIT, ESQUIRE	
13	Baltimore, Maryland		13	OBER, KALER, GRIMES & SHRIVER	
14	Tuesday, August 24, 2004		14	120 East Baltimore Street, 8th Floor	
15	2:34 p.m.		15	Baltimore, Maryland 21202	
16	Job No.: 1-40662		16	(410) 685-1120	
17	Pages: 208 - 295		17		
18	Reported By: Dawn M. Hart, Notary Public, RPR/RMR		18		
19			19		
20			20		
21			21		
22			22		
1	Continued deposition of Carl A. Cederstav, held	209	1	APPEARANCES CONTINUED	211
2	at the law offices of:		2	ON BEHALF OF AMERICAN BUREAU OF SHIPPING:	
3	Ober, Kaler, Grimes & Shriver		3	ROBERT G. CLYNE, ESQUIRE	
4	120 East Baltimore Street, 9th Floor		4	JAMES A. SAVILLE, JR., ESQUIRE	
5	Baltimore, Maryland 21202		5	HILL, RIVKINS & HAYDEN, LLP	
6	(410) 685-1120		6	45 Broadway, Suite 1500	
7			7	New York, New York 10006-3739	
8			8	(212) 669-0600	
9			9		
10	Pursuant to Notice, before Dawn M. Hart,	10			
11	RPR/RMR and Notary Public in and for the State of	11			
12	Maryland.	12			
13			13	ALSO PRESENT: Kevin Hislop	
14			14	James Dolan	
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16			16		
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<p>1 MR. WHITMAN: -- that is inappropriate. 2 MR. ASPERGER: With all due respect, I 3 haven't rehashed anything, but sometimes you have to 4 ask questions to get into other areas, so please 5 permit me this latitude. If I continue to rehash, 6 then make an objection. 7 MR. WHITMAN: I'm sure you'll hear me. 8 MR. ASPERGER: I'd like the question reread 9 to the witness and I would like it retyped at this 10 point in the transcript. 11 (Record read as follows: 12 Q And I just want you to be specific about 13 what limitations there were and why -- in terms of 14 access to the machinery room and why such a task would 15 be cumbersome.) 16 A Yep, I will answer that. 17 If I were to override a limit switch and I, 18 I had to choose between going into that space using a 19 screwdriver to get the limit switch movable, move it 20 to the side, have to go back and feel it and test that 21 it comes back to the right position, and my other 22 choice was to take a piece of cable and go up in the </p>	<p>236</p> <p>1 Q Then tell us what your evidence is because 2 that's a different answer than what you gave last 3 time. 4 A Because if you look at Heiner Popp's report, 5 it says that the limit switch has passed, or the block 6 or traveler has passed the point where the limit 7 switch is engaged. 8 Q Explain. 9 A Do you need any material to explain this? 10 MR. WHITMAN: You're asking him to explain 11 the significance of that observation? 12 MR. ASPERGER: Yes. 13 A It means that if you disengage, so to say, 14 up in the crane, you connect these two terminals, 15 right, well, the traveler down in the machinery room 16 doesn't know about that. So when you run the 17 machinery, the block is going to pass that point where 18 the first contact is established, right, and travel a 19 bit longer. 20 Q And so you're relying upon Heiner Popp's 21 observation that the block traveled beyond that 22 point?</p>
<p>237</p> <p>1 crane cabin, take down the panels and cross two 2 terminals, I would choose the latter solution because 3 it's much easier. 4 BY MR. ASPERGER: 5 Q And that's your personal opinion, correct? 6 A That's my personal opinion, yes. 7 Q And that presumes that somebody on one 8 occasion wanted to bypass the limit switch? 9 A My assumption is that somebody bypassed that 10 limit switch by crossing these two terminals. 11 Q I understand that's your assumption. 12 A Right. 13 Q And I believe we covered this before, but I 14 want to make certain that I have your answer 15 correctly. 16 A Right. 17 Q You can't tell us when that might have been 18 done? 19 A No. 20 Q And you have no evidence whatsoever other 21 than your assumption that it was done? 22 A I'm not so sure about that.</p>	<p>239</p> <p>1 A Yes. 2 Q What documentation do you have that 3 establishes that? Do you have photographs? 4 A No. 5 Q (Examining photographs.) 6 A It's a verbal report from Heiner Popp where 7 it's -- which is available here. 8 Q Okay. No photographs showing that -- 9 A No. 10 Q -- that you've looked at? 11 A I don't think that any of the photographs 12 are good enough to show that. 13 Q And what would you be looking for in a 14 photograph if it could show that? 15 A I would look -- I would look upon the roller 16 on the limit switch and the position on that, on the 17 block. 18 Q And so you would see, then, what, in this 19 instance? What do you believe Heiner Popp saw? 20 A I think he saw that that roller had passed 21 the highest point on the slanted area of the block and 22 gone a little bit further.</p>

1 Q And that could only have occurred, in your 2 opinion, if someone had bypassed the limit switch? 3 A That's correct. 4 Q Could not have occurred in the course of 5 this incident -- 6 A No. 7 Q -- by anyone else touching it after the 8 incident? 9 A No. 10 Q Not a chance of any of those -- 11 A No. 12 Q -- options? 13 And then other than your reliance upon 14 Heiner Popp's statement for which there is no 15 supporting documentation, you have no other evidence 16 that someone intentionally, on this occasion only, 17 bypassed the limit switch? 18 A No. 19 Q Did you find in the course of all of your 20 analysis and examination any evidence that the limit 21 switch may have been bypassed or not properly set on 22 prior occasions?	240 1 the limit switch early this year. 2 Q Explain that. 3 A Well, if you now rely on the photos which 4 were taken and you use as a reference one side of the 5 limit switch and you draw a line parallel to that side 6 up to the threads of the hoisting bar, you calculate 7 the threads to the left of that line which is a fixed, 8 that bar is fixed, you will find that it's the same 9 amount of threads to the left of that line on the two 10 photos. 11 Q If you looked at a photograph, correct? 12 A That's correct. 13 Q Now, you had me a bit confused because in 14 the course of your transcript, on more than one 15 occasion at your last deposition you said you never 16 rely upon photographs because it's too difficult to 17 tell precisely what's going on. 18 MR. WHITMAN: Objection to the form of the 19 question. Objection. The testimony was specific with 20 regard to the condition of the wire rope. 21 A I don't think that anyone has any difficulty 22 to calculate the amount of threads on that bar from
241 1 A No. 2 Q What would you be looking for? 3 A You have to quantify that last question. 4 Q If you wanted to eliminate whether or not -- 5 if you wanted to eliminate the possibility that the 6 limit switch had been either set in the wrong setting 7 previously -- 8 A Right. 9 Q Let's take that one first. If you want to 10 eliminate that the limit switch had been incorrectly 11 set, what would you be looking at to make that 12 determination? What evidence would you look for? 13 A Well, we talked about that the last time. 14 Q Yes, we did. 15 A That the distance between the limit switch 16 decides the difference in angle between the low limit 17 and the high limit switch. And there is no fixed 18 point for the lower limit switch. That can be zero, 19 can be adjusted by cutting loose the chain. 20 Now, what I do know, though, is that the 21 limit switch as it was when this investigation was 22 performed is the same as it was when we looked upon	243 1 these photos we have here. 2 Q Would you show me in the photos that you 3 relied upon, illustrate for me what it is that you -- 4 MR. WHITMAN: Which photos? 5 Q -- referencing? 6 A I want to have the photos you had here this 7 morning, which I gave you, and the photo by our 8 electrician, right? 9 MR. ASPERGER: Is that marked as an exhibit? 10 MR. WHITMAN: Not so far as I know. 11 MR. ASPERGER: Well, let's get both photos 12 before you testify. 13 MR. WHITMAN: Before you talk about it, what 14 else would you like in the way of photographs? 15 THE WITNESS: I want to have the photographs 16 taken by our electrician which were attended -- which 17 were copied last time from the CD. 18 MR. WHITMAN: Okay. Were they exhibits in 19 the Hislop deposition, do you recall? 20 THE WITNESS: No. No. They were taken out 21 from the, from the CD which refers to the electrician 22 Kalenberg.

<p>1 ACKNOWLEDGMENT OF DEONENT 2 I, Carl A. Cederstav, do hereby acknowledge that 3 I have read and examined the foregoing testimony, and 4 the same is a true, correct and complete transcription 5 of the testimony given by me, and any corrections 6 appear on the attached Errata sheet signed by me. 7 8 9</p> <p>10 (DATE) (SIGNATURE) 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>292</p> <p>1 ERRATA SHEET 2 IN RE: Eternity Shipping, Ltd., etc. 3 PAGE LINE CORRECTION AND REASON 4 ____ ____ ____ 5 ____ ____ ____ 6 ____ ____ ____ 7 ____ ____ ____ 8 ____ ____ ____ 9 ____ ____ ____ 10 ____ ____ ____ 11 ____ ____ ____ 12 ____ ____ ____ 13 ____ ____ ____ 14 ____ ____ ____ 15 ____ ____ ____ 16 ____ ____ ____ 17 ____ ____ ____ 18 ____ ____ ____ 19 ____ ____ ____ 20 ____ ____ ____ 21 ____ ____ ____ 22 (Date) (Signature)</p>
<p>1 CERTIFICATE OF SHORTHAND REPORTER/NOTARY PUBLIC 2 I, Dawn M. Hart, Registered Professional 3 Reporter, the officer before whom the foregoing 4 proceedings were taken, do hereby certify that the 5 foregoing transcript is a true and correct record of 6 the proceedings; that said proceedings were taken by 7 me stenographically and thereafter reduced to 8 typewriting under my supervision; and that I am 9 neither counsel for, related to, nor employed by any 10 of the parties to this case and have no interest, 11 financial or otherwise, in its outcome. 12 IN WITNESS WHEREOF, I have hereunto set my hand 13 and affixed my notarial seal this 28th day of August 14 2004. 15 My Commission Expires: 16 January 1, 2005 17 18 19 20 NOTARY PUBLIC IN AND FOR THE 21 STATE OF MARYLAND 22</p>	<p>293</p> <p>1 ERRATA SHEET 2 IN RE: Eternity Shipping, Ltd., etc. 3 PAGE LINE CORRECTION AND REASON 4 ____ ____ ____ 5 ____ ____ ____ 6 ____ ____ ____ 7 ____ ____ ____ 8 ____ ____ ____ 9 ____ ____ ____ 10 ____ ____ ____ 11 ____ ____ ____ 12 ____ ____ ____ 13 ____ ____ ____ 14 ____ ____ ____ 15 ____ ____ ____ 16 ____ ____ ____ 17 ____ ____ ____ 18 ____ ____ ____ 19 ____ ____ ____ 20 ____ ____ ____ 21 ____ ____ ____ 22 (Date) (Signature)</p>